

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

SHAIRA IVETH HERNANDEZ, )  
                                )  
Plaintiff,                 )  
                                )  
V.                             )                           **CIVIL ACTION NO. SA-23-CA-684-FB**  
                                )  
OFFICER A. DE NAVA,        )  
                                )  
Defendant.                 )

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 31), filed in the above-captioned cause on January 25, 2024. To date, no objections to the Report and Recommendation have been received.<sup>1</sup>

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See 28 U.S.C. § 636(b)(1)* ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 31) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendant City of Castle Hills' Amended Motion to Dismiss (docket no. 17) is GRANTED and all claims against

---

<sup>1</sup> Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

the City of Castle Hills are DISMISSED. Plaintiff's claims against Officer De Nava, not addressed in the present motion, remain pending for disposition.

It is so ORDERED.

SIGNED this 15th day of February, 2024.



---

FRED BIERY  
UNITED STATES DISTRICT JUDGE